

LIQUOR ADVISORY BOARD
Tuesday, August 16, 2011
6:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LAB Members:	Aaron Magdziarz Alicia Neubauer Dennis Olson Dan Roszkowski Julio Salgado
Absent:	Craig Sockwell Scott Sanders
Staff:	Jennifer Cacciapaglia – City Attorney Todd Cagnoni, Deputy Director - Construction Services Division Matt Knott, Chief – Fire Department Marcy Leach – Public Works Sandra Hawthorne - Administrative Assistant
Others:	Alderman Nancy Johnson Kathy Berg, Stenographer Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Liquor Advisory Board secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, August 29, 2011, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 6:00 PM. A **MOTION** was made by Aaron Magdziarz to **APPROVE** the minutes of the July meeting as submitted. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 4-0 with Dan Roszkowski abstaining.

011-LAB-014

Applicant
Ward 11

818 South 6th Street

Love Minhas, d/b/a BKCR Food and Liquor, Inc

The sale of package liquor in conjunction with a gas station, grocery store and liquor store in a C-3, Commercial General District

The subject property is located on the northeast corner of 6th Street and 8th Avenue and is currently a gas station and grocery store. Love Minhas – Applicant - and Deepak Shah were present. Mr. Minhas stated he is purchasing the property. He further explained he owns two other convenience stores and have never had a problem at their other locations. Attorney Cacciapaglia stated she has concerns with this application. She and a police officer were on the property the second week in June and when she asked who the owner was, neither of the applicants names were given. The person given as the owner and the person Attorney Cacciapaglia spoke with at the location was present at this meeting seated in the gallery. When Attorney Cacciapaglia pointed him out to Mr. Minhas, Mr. Manhas stated he did not know who this person was. Jamil Khamisi, the person given as the owner to Attorney Cacciapaglia, came forward and stated he leased this property for 5 years. He stated he was paying the owner of the property as agreed, but the owner apparently was not paying the bank and the property was foreclosed. Mr. Khamisi stated he lost a lot of money because the owner took his money and his down payment and he does not know what happened. He stated John Murphy owns the building and he made a deal with Mr. Murphy for \$300,000. Mr. Khamisi stated he does not know either of the applicants. Mr. Minhas stated to his knowledge there is a bank in upstate New York that owns the property and he has a contract with them. All three gentlemen stated they had never met prior to this evening. Mr. Minhas stated his deal is a cash deal effective as soon as he gets approval for a liquor license.

Objectors were present. Alderman Nancy Johnson stated this property is in Alderman Elyea's Ward and she has asked to represent her at this meeting. The inconsistencies of this application and prior problems with this property have raised concerns with the Alderman. She conveyed that this is an area that has always needed considerable help from the Alderman, City, and the Police. Alderman Elyea feels the City has been making progress and feels the sale of liquor at this location would not be beneficial to the area.

Laurie McLain, 1525 Parmale Street, Ms. McLain stated Zion Development has invested in this neighborhood for the benefit of the younger people of the community. She has concerns of alcohol getting into the hands of minors at the Gateway Center. She further stated at the present time this property is only selling liquor and is not operating as a gas station.

Toby Haldeman, 1413 Parmale Street is a member of this neighborhood watch group and explained this is a low income area. He stated that based on information provided to him from the Legal Department, there have been 72 police calls at this establishment in the past year. He stated this property has become downtrodden. Gas has not been sold there for at least a year. He stated he no longer is a customer of this business because of these situations and feels this business is not beneficial to the area.

In response, Mr. Mahas stated they have had no complaints at their other locations. They do not sell to minors and train their employees in handling liquor sales. It is their intent to return gasoline sales as well as a convenience store and liquor sales.

Staff Recommendation was for Denial. Attorney Cacciapaglia stated at this point it has not been made clear who is the actual owner of the property and not all information has been forthcoming. The Planning and Zoning Report prepared by Staff stated this property has been selling alcohol without a valid liquor

license. Upon inspection, Staff observed alcohol signs and merchandise as well. Both Attorney Cacciapaglia and Mr. Cagnoni verified they would not be inclined to change their recommendation of denial based on the lack of information.

Ms. Neubauer stated she is not inclined to move forward on a vote of Approval with the information presented because of the number of unanswered questions. Attorney Cacciapaglia and Mr. Cagnoni were in agreement that their recommendation would not change based on the ownership of the property. Mr. Cagnoni stated that because the outcome of this application for liquor license will determine whether or not the applicants purchase the property, it would be in the best interest of the Applicant to move forward at this time to allow them to make a decision.

A **MOTION** was made by Dennis Olson to **DENY** the sale of package liquor in conjunction with a gas station, grocery store and liquor store in the name of Love Minhas d/b/a BKCR Food and Liquor, Inc. in a C-3, Commercial General District at 818 South 6th Street. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 4-1 with Aaron Magdziarz voting Nay.

011-LAB-015

Applicant
Ward 11

1201 Broadway

Than Xayvandy, Rockford Banquet Hall, Inc. d/b/a Taste of Thai
The sale of liquor by the drink in conjunction with a restaurant, bar, and banquet hall (venue) in a C-4, Urban Mixed-Use Zoning District.

Prior to the meeting, a request was received by the applicant to Lay Over this item to the September meeting.

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** the sale of liquor by the drink in conjunction with a restaurant, bar, and banquet hall (venue) in the name of Than Xayvandy, Rockford Banquet Hall, d/b/a Taste of Thai in a C-4, Urban Mixed-Use Zoning District at 1201 Broadway. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 5-0.

011-LAB-016

Applicant
Ward 09

2921 City View Drive

Chawn Scanlan, C.C.S. Lounge, Inc. d/b/a Scanlan's Restaurant
The modification of sale of liquor by the drink in conjunction with a restaurant to include an outdoor seating area in the C-1, Limited Office Zoning District.

The subject property is located 200 feet east of the Rockton Avenue and City View Drive intersection and is currently Scanlan's Restaurant. Attorney Jim Rodriguez, John Scanlan, and Chawn Scanlan were present. Attorney Rodriguez reviewed the Applicant's request. They wish to modify the existing liquor license to include outdoor sales. The Applicants feels this will allow them to compete with nearby establishments that also have outdoor seating. The area will be a 25' x 40' concrete pad, surrounded by a 6' cedar fence. The patio will have two access doors - one for patrons and one for staff access to the kitchen area. There is a vacant lot immediately to the north and a dense tree line that will provide a visual and sound barrier. The property to the south has a vacant lot and a gas station. Attorney Rodriguez stated there has not been any noise problems or issues with outside patrons up to the current time.

Attorney Cacciapaglia had no questions for the Applicant.

Ms. Neubauer stated this item has been laid over several times and asked the reason. Attorney Rodriguez explained at the time the original application was submitted, the ratio of liquor to food was too high. This has since been modified to the required percentage. Mr. Olson stated last year there was a

petition from neighbors in the residential area; however, it was noted there have not been any objection letters received for the current application as of this date.

Staff Recommendation was for Approval with 6 conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Alicia Neubauer to **APPROVE** a modification of sale of liquor by the drink in conjunction with a restaurant to include an outdoor seating area in the name of Chawn Scanlan, C.C.S. Lounge, Inc. d/b/a Scanlan's Restaurant in a C-1, Limited Office Zoning District at 2921 City View Drive. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. The outdoor sales area shall not be occupied later than 10:00 P.M. on weekdays and later than 12:00 A.M. on weekends.
4. The outdoor seating area shall not have any live bands and must conform to the Noise Ordinance.
5. The outdoor seating area shall not be greater than 25% of the square footage of the contiguous interior sales area of said building.
6. The sale of alcohol shall be limited to the interior floor plan and outdoor seating area that were submitted as Exhibits D, F, G, and H.

With no further business to report, the meeting was adjourned at 6:30 PM

Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant
Liquor Advisory Board